

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1154*

House Bill No. 1207

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act is known and may be cited as "The Learning Pod Protection Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding Sections 3-6 as a new part.

SECTION 3.

As used in this part:

(1) "Learning pod" means a voluntary association of parents choosing to group their children together at various times or places to participate in or enhance their children's kindergarten through grade twelve (K-12) education, regardless of whether payment is made for any services provided to the children participating in the learning pod. A "learning pod" is not a nonpublic school as defined in § 49-6-3001(c)(3);

(2) "Operation of a learning pod" means the organization, facilitation, management, operation, or educational activity of a learning pod in any facility, home, or other structure by the parents of children participating in the learning pod and any other individuals assisting those parents while engaged in any actions of the learning pod; and

(3) "Parent" means the parent or guardian of any child who has not graduated from high school or reached twenty-two (22) years of age, whichever comes first.

SECTION 4. The purpose of this part is to allow parents to voluntarily associate in learning pods to advance the parents' children's kindergarten through grade twelve (K-12) education without being subject to restriction or regulation as provided in this part.

SECTION 5.



0663401206



005656

(a) The state and its agencies, local governments, and LEAs shall not regulate or control a learning pod, except as provided in this part. Notwithstanding any law to the contrary, a learning pod is exempt from state and local regulation specific to education or educational facilities, including:

(1) All provisions of this title and state board of education rules, policies, and guidelines, including, but not limited to:

(A) Section 49-1-104 and any state board policy on special education caseload and class size standards, and any other law, rule, policy, or guideline concerning class size standards, caseloads, and the number of teachers required;

(B) Chapter 5, part 1 of this title, § 49-5-403, and rules of the state board on educator licensure, and any other law, rule, policy, or guideline concerning licensure, endorsement, and certifications of teachers or other staff;

(C) Section 49-5-413 and any other law, rule, policy, or guideline concerning criminal history records checks of teachers, other staff, or contractors and their employees; and

(D) Rules of the state board on school facilities or any other law, rule, policy, or guideline concerning school facilities;

(2) Local and state building or fire codes adopted pursuant to title 68, chapter 1, part 1, and any rules of the department of commerce and insurance, division of fire prevention, on fire prevention applicable to educational facilities. Buildings used by learning pods must meet the building and fire safety standards for the building's primary use and occupancy; and

(3) Any other state or local statute, rule, or code that would not be applicable to a group, building, or facility but for the operation or presence of a learning pod. The presence of a learning pod shall not change the permitted use

of the property and shall not subject the property to a special use or conditional use permit or procedure other than what is required for general use of the property.

(b) Notwithstanding any law to the contrary, a state, local, or LEA employee shall not initiate or conduct any site inspection or other investigation or visit that would not have been initiated or made but for the operation or presence of a learning pod.

(c) An LEA shall not take any action or otherwise discriminate against or distinguish a student or parent on the basis of their participation in a learning pod.

(d) Notwithstanding any law the contrary, a state agency, local government, or LEA shall not require a learning pod to register or otherwise report its existence or any information related to the operation of the learning pod to the state agency, local government, or LEA.

(e) A child who participates in a learning pod satisfies the compulsory attendance requirements applicable to the child pursuant to § 49-6-3001, if the child is enrolled in a public school, as defined in § 49-6-3001(c)(3); a church-related school, as defined in § 49-50-801; or a private school, as defined in § 49-6-3001(c)(3). If a child is not enrolled in a public school, church-related school, or private school, then the child's parent must comply with the requirements of § 49-6-3050(b) for the child's participation in a learning pod to satisfy the compulsory attendance requirements.

(f) This section does not alter the regulation of any day care center, child care center, home day care center related to operations, or other matters not directly related to the operation of a learning pod. Learning pods are exempt from licensing if they satisfy the requirements of § 71-3-503(a)(5).

SECTION 6. The following burdens of proof apply to administrative or judicial hearings or other actions regarding this part:

(1) Compliance with any law, rule, policy, guideline, or standard of this state, a local government, or an LEA, or any other action with this part is a judicial question and must be determined without regard to any assertion of compliance with this part; and

(2) The state, local government, or LEA that adopted the law, rule, policy, guideline, or standard, or that took any other action is required to establish by clear and convincing evidence that the law, rule, policy, guideline, standard, or action:

(A) Does not unduly impede the freedom of parents or guardians to provide care for, and supervision of, their children;

(B) Does not single out educational activities while similar gatherings of children for recreational or social activities remain unregulated;

(C) Is narrowly tailored to protect the public health and safety; and

(D) Does not otherwise conflict with the requirements of this part.

SECTION 7. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 653*

House Bill No. 1534

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-5-108(d), is amended by adding the following as a new subdivision:

(3)

(A) The state board of education shall approve a process for an LEA, or for two (2) or more LEAs working together, to establish a district teacher training program for the purpose of recommending eligible educators for endorsements. An educator must possess an active Tennessee professional teaching license and must be employed by an LEA participating in the program to be eligible to participate in a program established under this subdivision (d)(3).

(B) The state board shall establish the minimum requirements for district teacher training programs; provided, that the minimum requirements must allow eligible educators to add endorsement areas to the educator's license.

(C) District teacher training programs established under this subdivision (d)(3) must certify to the department of education that the eligible educator has met the requirements established by the state board for the endorsement.

(D) The state board shall not require an eligible educator seeking an endorsement through a district teacher training program to enroll in a teacher preparation program in order to receive the endorsement. This subdivision (d)(3) does not prohibit a district teacher training program from partnering with a teacher preparation program approved by the state board.



0235905906



005839

(E)

(i)

(a) To ensure the quality of an educator who receives an endorsement under this subdivision (d)(3), the state board shall require the eligible educator to take an assessment pursuant to the state board's rules and policies.

(b) Subdivision (d)(3)(E)(i)(a) does not apply to an educator who has six (6) or more years of teaching experience and who earned an overall performance effectiveness level of "above expectations" or "significantly above expectations" on the educator's most recent evaluation pursuant to § 49-1-302(d).

(ii) Notwithstanding subdivision (d)(3)(E)(i)(b), an educator seeking an endorsement under § 49-5-5619 is required to take an assessment before the educator may receive the endorsement.

(F) The department of education shall create a process for the review of district teacher training programs established under this subdivision (d)(3) pursuant to the state board's rules and policies.

SECTION 2. The state board of education is authorized to promulgate rules necessary to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. Section 1 of this act takes effect July 1, 2022, the public welfare requiring it. All remaining sections of this act take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 248*

House Bill No. 631

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 10, Part 9, is amended by adding the following as a new section:

(a)

(1) The Tennessee School for the Deaf, together with the West Tennessee School for the Deaf, shall maintain a deaf mentor program to assist families and agencies in implementing bilingual and bicultural home-based programming for young children who are deaf, hard of hearing, or deaf-blind.

(2) The program must be available at each of the following locations: the West Tennessee School for the Deaf in Jackson, the Tennessee School for the Deaf, Knoxville campus, and the Tennessee School for the Deaf, Nashville campus.

(3) The program must focus on:

(A) Preventing language deprivation;

(B) Providing a positive impact on a child's social and emotional development through a deaf role model; and

(C) Ensuring that children who are deaf have equal access to learning opportunities at home and in the community.

(4) The program must use a deaf mentor curriculum.

(5) The program must provide hearing parents of children who are deaf, hard of hearing, or deaf-blind with the option of using a deaf mentor and parent



0926708406



005482

advisor to expose the parents' children to American Sign Language, English, deaf culture, and communication opportunities to provide the children with complete access to language acquisition, which, collectively, allows the children to grow and learn in a bilingual and bicultural milieu of hearing and deaf cultures instead of limiting the children's exposure to a signed or spoken English-only environment and the hearing culture of the children's families.

(b) Deaf mentors shall:

(1) Make regular visits to the homes of young children who are deaf, hard of hearing, or deaf-blind;

(2) Interact with the children using American Sign Language and other communication methods to provide complete access to language acquisition;

(3) Demonstrate to family members how to use American Sign Language and other communication methods to provide complete access to language acquisition; and

(4) Help families understand and appreciate deafness and deaf culture.

(c) Parent advisors shall:

(1) Make regular visits to the homes of young children who are deaf, hard of hearing, or deaf-blind;

(2) Interact with the children using listening and spoken English;

(3) Support visual communication opportunities to provide complete access to language acquisition;

(4) Demonstrate to family members how to use a bilingual and bicultural communication approach and other communication methods to provide complete access to language acquisition; and

(5) Help families understand and appreciate deafness and deaf culture.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1450

House Bill No. 1294*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-5-108(c), is amended by adding the following as a new subdivision:

(6) Notwithstanding any other law, a supervisor, principal, or public school teacher is not required to take an assessment to reactivate a license from this state that has expired if at the time of application to reactivate the license, the supervisor, principal, or public school teacher possesses an active professional license in a state that has a reciprocal agreement with the state board of education pursuant to § 49-5-109.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



0413551433



005878

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1345*

House Bill No. 1443

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-5-409, is amended by deleting subsection (a) and substituting:

(a) Teachers in service and under the control of the public elementary or high schools of this state may continue in such service unless written notice is sent to the teacher from the teacher's board of education or director of schools, as appropriate, of the teacher's dismissal or failure of reelection.

SECTION 2. Tennessee Code Annotated, Section 49-5-409(b), is amended by deleting the word "received" and substituting the word "sent".

SECTION 3. Tennessee Code Annotated, Section 49-5-409, is amended by adding the following as new subsections:

() Written notice sent by a board of education or director of schools in accordance with this section must be sent by certified mail or overnight carrier to the teacher's physical mailing address on record with the LEA, or transmitted via electronic mail to the email address used by the LEA to communicate with the teacher.

() As used in this section, "last instructional day" means the last day of the school year on which students are required to report to school.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.



0916759733



006403

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1424

House Bill No. 1131*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-5-413(d)(3)(B), is amended by designating the existing language as subdivision (d)(3)(B)(i), redesignating the subsequent subdivisions accordingly, and adding the following as a new subdivision:

(ii) Notwithstanding subdivision (d)(3)(B)(i), an LEA, public charter school, or child care program as defined in § 49-1-1102, may, in its discretion, employ a person as described in subdivision (d)(1) if:

- (a) The person was convicted of a misdemeanor offense;
- (b) The misdemeanor conviction occurred more than twenty (20) years preceding the date of application for employment; and
- (c) The misdemeanor offense for which the person was convicted did not involve a minor.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



0421973633



005639

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 914*

House Bill No. 1020

by deleting all language after the enacting clause and substituting instead the following:

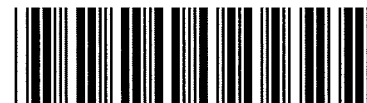
SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 12, is amended by adding the following as a new section:

An LEA shall provide to each high school student enrolled in the LEA who is eighteen (18) years of age on or before the date of the next election with voter registration information by hand delivery, mail, or email during the academic school year. The information provided must be prepared by the local county election commission or the secretary of state.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.



0858822042



006227

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 371*

House Bill No. 1001

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-3-307(a), is amended by adding the following as a new subdivision:

The formula shall provide funding for one (1) full-time school counselor position for each three hundred fifty (350) students or one (1) full-time position for each LEA, whichever is greater.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.



0154304133



006407

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 739

House Bill No. 73*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 3, is amended by adding the following as a new part:

49-3-501.

This part is known and may be cited as the "K-12 Mental Health Trust Fund Act."

49-3-502.

The K-12 mental health endowment fund is established to provide mental health supports to students in primary and secondary schools in this state. The fund must be administered and funded in accordance with the following terms and conditions:

(1) The fund is an irrevocable trust that the state treasurer shall administer. The trust consists of the K-12 mental health endowment account and the K-12 mental health special reserve account;

(2) The trustees of the trust are as follows:

(A) The state treasurer, or the treasurer's designee;

(B) The comptroller of the treasury, or the comptroller's designee;

(C) The secretary of state, or the secretary's designee; and

(D) The commissioner of finance and administration, or the commissioner's designee;

(3) The state treasurer, or the treasurer's designee, serves as chair of the trustees and shall preside over all meetings and proceedings of the trustees;



0487843894



005750

(4) If necessary or convenient to carry out the purposes and provisions of this part, the trustees are authorized to create a nonprofit corporation or incorporate the fund as a nonprofit corporation under the Tennessee Nonprofit Corporation Act, compiled in title 48, chapters 51-68, and after incorporation, to apply for tax exempt status under § 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)), by virtue of being an organization described in § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)). The corporation, if created, has all rights and powers of a nonprofit corporation under the Tennessee Nonprofit Corporation Act, and the powers necessary to carry out the intent of this section, including, but not limited to, the solicitation of contributions and disbursement of funds;

(5) Subject to applicable law, the trust may invest in any security or investment in which the Tennessee consolidated retirement system is permitted to invest; provided, that investments made by the trust must be governed by the investment policies and guidelines adopted by the trustees of the trust in accordance with this section. The state treasurer is responsible for the investment and reinvestment of trust funds in accordance with the policies and guidelines established by the trustees;

(6) Subject to appropriation, the trust must be funded in fiscal year 2021-2022 by an initial deposit. Ninety percent (90%) of the initial deposit constitutes the principal of the trust, which must be placed in the K-12 mental health endowment account. Ten percent (10%) of the initial deposit must be placed in the K-12 mental health special reserve account;

(7) Trust income does not increase, or constitute an addition to, the principal of the trust, but must be placed in the K-12 mental health special reserve account; provided, that trust income may be used to pay expenses incurred in administering and investing the trust assets. As used in this

subdivision (7), "trust income" means the income from the trust's investment of the funds in the K-12 mental health endowment account or K-12 mental health special reserve account from whatever source derived, including, but not limited to, interest, dividends, and realized capital gains or losses;

(8) Subsequent transfers of funds to the trust after the initial deposit in subdivision (6) shall not increase, or constitute an addition to, the principal of the trust, and must be placed in the K-12 mental health special reserve account of the trust. Such funds may include moneys appropriated by the general assembly, received from the United States or any agencies of the United States, or received from any other source, including contributions from public or private sources. The fund may request and receive gifts, contributions, bequests, donations, and grants from any legal and appropriate source, and any such funds received must be deposited into the K-12 mental health special reserve account; provided, that if any such items are not in the form of funds, then any income, rents, or proceeds generated from the items must be deposited into the K-12 mental health special reserve account;

(9) The principal of the trust in the K-12 mental health endowment account, as described in subdivision (6), shall not be expended for any purpose;

(10) The trustees shall annually determine the amount of funds in the K-12 mental health special reserve account that are available for appropriation and expenditure in accordance with this section, but shall not determine how the funds in the K-12 mental health special reserve account are expended;

(11) The funds in the K-12 mental health special reserve account, as determined by the trustees in accordance with subdivision (10), are available to the department of mental health and substance abuse services for allocation and distribution, in consultation with the department of education, but such funds must be expended only for mental or behavioral health services or treatment for

kindergarten through grade twelve (K-12) students or for an assessment to review current mental and behavioral health resources for K-12 students that are available in each county;

(12) Unexpended funds remaining in the trust in any fiscal year, including, but not limited to, the principal, initial deposits, transfers, and interest in the K-12 mental health endowment account and the K-12 mental health special reserve account, do not revert to the general fund, but must remain available for expenditure in accordance with this section;

(13) The funds transferred to this trust, including funds in the K-12 mental health endowment account and the K-12 mental health special reserve account, may be commingled with, co-invested with, and invested or reinvested with other assets transferred to the trust. All or a portion of the trust may be invested, reinvested, and co-invested with other funds not a part of the trust that are held by the state treasurer, including, but not limited to, assets of the Tennessee consolidated retirement system and the state pooled investment fund established pursuant to title 9, chapter 4, part 6. The state treasurer shall account for such trust funds in one (1) or more separate accounts in accordance with this section and other law; and

(14) All funds placed in the K-12 mental health special reserve account are available for allocation and distribution as authorized in this section only to the extent that funds are available in the K-12 mental health special reserve account. The state is not be liable for any amount in excess of such sum. All requests for withdrawals for payment that are presented to the state treasurer must be used only to fund mental or behavioral health services or treatment for K-12 students, or an assessment to review current mental and behavioral health resources for K-12 students that are available in each county. Requests for withdrawals must not be commingled with requests for withdrawals presented to

the state treasurer for any other purpose, and the individual or entity requesting the withdrawal of funds must attest to same upon presentation of the request for withdrawal to the state treasurer.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 898

House Bill No. 917*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) A county LEA shall not operate a school that is located within the geographic boundaries of a municipal LEA unless the municipal LEA in which the school is located consents to the county LEA operating the school, as evidenced by an interlocal agreement or memorandum of understanding executed by the respective LEAs.

(b) The commissioner of education may withhold state education finance funds from a county LEA that violates subsection (a).

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 2, Part 4, is amended by adding the following as a new section:

(a) If a municipal school system is created pursuant to this chapter and the municipal school system and the county LEA do not enter into an interlocal agreement or memorandum of understanding for the county LEA to continue operating a school located within the geographic boundaries of the municipal school system, then:

(1) All school property owned by the county LEA located within the geographic boundaries of the municipal school system must be transferred to the municipal school system upon the municipal school system's creation; and

(2) All operations of the county LEA for a school located within the geographic boundaries of the municipal school system must be discontinued upon the commencement of student instruction by the municipal school system.



0254696133



006327

(b)

(1) A county LEA operating a school located within the geographic boundaries of an established municipal school system as of July 1, 2021, shall enter into an interlocal agreement or memorandum of understanding with the municipal school system no later than twelve (12) months after receiving written notice of the municipal school system's intent to establish a period of operational transition for the school located within the geographic boundaries of the municipal school system, and a process for the transfer of all public property of the school located within the geographic boundaries of the municipal school system from the county LEA to the municipal school system.

(2) If a county LEA refuses to enter into an interlocal agreement or memorandum of understanding as required in subdivision (b)(1), then the commissioner of education may withhold state education finance funds that the county LEA is otherwise eligible to receive.

(c) A municipal school system may enroll students in a school operated by the municipal school system, but that was operated by the county LEA as of July 1, 2021, from the attendance zones previously established by the county LEA for the school, or the municipal school system may establish new attendance zones for the school.

SECTION 3. Section 1 of this act takes effect July 1, 2022, the public welfare requiring it. Section 2 of this act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 503*

House Bill No. 753

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) For the purposes of providing services in a school setting pursuant to a child's individualized education program (IEP), the following healthcare providers licensed pursuant to this title may refer or order services within their scope of practice as part of a child's IEP:

(1) A physical therapist licensed under chapter 13 of this title may order or make a referral for physical therapy services for a child, and qualifies as a licensed practitioner of the healing arts for the purpose of 42 C.F.R. 440.110(a)(1);

(2) An occupational therapist licensed under chapter 13 of this title may order or make a referral for occupational therapy services for a child, and qualifies as a licensed practitioner of the healing arts for the purpose of 42 C.F.R. 440.110(b)(1);

(3) A speech-language pathologist licensed under chapter 17 of this title may order or make a referral for speech-language pathology services for a child, and qualifies as a licensed practitioner of the healing arts for the purpose of 42 C.F.R. 440.110(c)(1); and



0749534107



006233

(4) An audiologist licensed under chapter 17 of this title may order or make a referral for audiology services for a child, and qualifies as a licensed practitioner of the healing arts for the purpose of 42 C.F.R. 440.110(c)(1).

(b) An order or referral made in accordance with this section may be evidenced by the signature of the healthcare provider in the student's IEP provided that the child has been appropriately evaluated and assessed by the provider making the referral or order.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 623

House Bill No. 580*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-102, is amended by deleting subsections (a) and (b) and substituting:

(a) The system of public education in this state is governed in accordance with laws enacted by the general assembly and under rules, policies, standards, and guidelines adopted by the state board of education that are necessary for the proper operation of public education in pre-kindergarten through grade twelve (pre-K-12). The state board shall formulate the rules, policies, standards, and guidelines with assistance from the commissioner of education, as the state board may request.

(b) The commissioner shall perform the duties assigned to the commissioner by law and is responsible for the administration, implementation, supervision, and enforcement of the rules, policies, standards, and guidelines of the state board of education.

SECTION 2. Tennessee Code Annotated, Section 49-1-201(c)(14), is amended by deleting the subdivision.

SECTION 3. Tennessee Code Annotated, Section 49-1-201(c), is amended by deleting subdivision (19) and substituting:

(19) Inspect, approve, and classify private schools in accordance with the rules of the state board of education;

SECTION 4. Tennessee Code Annotated, Section 49-1-201(c), is amended by deleting subdivision (20) and substituting:



0689262007



003704

(A) Prepare and present to the state board of education for its approval, disapproval, or amendment rules that are necessary to implement the policies, standards, or guidelines of the state board or the education laws of the state;

(B) In the absence of the state board, the commissioner shall have, if necessary, the emergency rulemaking authority provided for in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; and

(C) The commissioner may prepare and promulgate, without board approval, rules that are solely necessary for the internal administrative operation and functions of the department. The department's authority does not supersede the powers of the state board and may be used only in performance of the commissioner's administrative responsibilities;

SECTION 5. Tennessee Code Annotated, Section 49-1-302(a)(13), is amended by deleting the subdivision.

SECTION 6. Tennessee Code Annotated, Section 49-1-303, is amended by deleting the section.

SECTION 7. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) The governing body of the University of Tennessee system, the state university and community college system, or a state university may lease public lands under the governing body's jurisdiction to fraternities and sororities for a nominal consideration for a term not to exceed ninety-nine (99) years. A majority of the governing body may direct the chancellor, president, or chair of the governing body to execute the leases on behalf of the public institution of higher education; provided, that the leases are approved by the governor and the attorney general and reporter. A governing body shall consent in writing before a lease under this section is assigned or the premises are sublet or subleased. Prior to the commencement of the construction or installation of any improvement, the governing body shall approve the plans and

specifications pertaining to the improvement. The governing body shall approve material alterations and all additions to the improvements constructed or installed on the premises prior to the commencement of the alterations or additions. The governing body shall promulgate rules for the operation and maintenance of the leased properties. At the end of the term of any lease, and in the event that any lessee violates the lessee's lease agreement or any rule adopted pursuant to this section, or violates this section, the lease terminates and the improved premises become the exclusive property of the governing body. The governing body shall take possession of the property. The lease may contain a provision for an option to renew the lease when the lease expires upon the conditions that the premises are not needed for use for other purposes in connection with the state's educational program and the building and improvements are suitable for occupancy without major repairs, remodeling, or alterations in accordance with the generally accepted standards for housing prevailing at public institutions of higher education. If the governing body does not renew a lease at the end of the term, then the governing body may pay the lessee the reasonable value of the improvements; however, in the event that the lease is not renewed, the title to the improvements vests in the state, and the state shall take possession of the premises, including the improvements, upon the expiration of the term.

(b) Any construction or installation of any improvements upon the property of a public institution of higher education by a fraternity or sorority pursuant to a lease agreement with the governing body is exempt from § 4-15-102(c), and from the Prevailing Wage Act for State Highway Construction Projects, compiled in title 12, chapter 4, part 4; provided, that the fraternity or sorority shall solicit competitive bids for the construction or installation and shall award the construction or installation contract to the lowest qualified bidder unless the fraternity or sorority can secure the work from alumni or supporters at a lesser cost than the lowest qualified bid.

SECTION 8. Tennessee Code Annotated, Section 49-1-305, is amended by deleting subsection (b) and substituting:

(b) The state board's staff is subject to personnel rules and policies that are applicable to state employees in general, including leave, compensation, classification, and travel rules and policies. The state board controls the work of the executive director and may terminate the executive director's employment. The state board and the executive director, in accordance with subsection (a), have the sole authority to appoint, terminate, and control staff employees. The board's employees do not have preferred service status.

SECTION 9. Tennessee Code Annotated, Section 49-1-607, is amended by deleting the section and substituting:

A person found to have violated security guidelines for administration of the Tennessee comprehensive assessment program (TCAP) test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions, or otherwise compromising the integrity of the testing process must be placed on immediate suspension, and such actions constitute grounds for dismissal, including dismissal of tenured employees. Such actions are grounds for revocation of state licensure.

SECTION 10. Tennessee Code Annotated, Section 49-1-703, is amended by deleting the language "state board of education" and substituting the language "department of education".

SECTION 11. Tennessee Code Annotated, Section 49-2-202(a)(4), is amended by deleting the language "GED®" wherever it appears and substituting the language "GED® or HiSET®".

SECTION 12. Tennessee Code Annotated, Section 49-5-108(c)(5), is amended by deleting the language "supervisor, principal, or" wherever it appears.

SECTION 13. Tennessee Code Annotated, Section 49-5-108, is amended by deleting subsection (e) and substituting:

(e) Institutions with authorized teacher training programs shall ensure that persons seeking licensure in this state receive appropriate instruction in the teaching of reading.

SECTION 14. Tennessee Code Annotated, Section 49-5-111, is amended by deleting subsection (a) and substituting:

(a) Educational assistants shall have, at a minimum, a high school diploma, GED®, or HiSET®, and shall show demonstrable proficiency in reading and writing skills.

SECTION 15. Tennessee Code Annotated, Section 49-5-411(b), is amended by deleting subdivision (4) and substituting:

(4) If the state board of education finds that a teacher has broken the teacher's contract, then the state board may suspend the teacher's license for no less than thirty (30) days and no more than three hundred sixty-five (365) days;

SECTION 16. Tennessee Code Annotated, Section 49-6-108, is amended by deleting subdivision (7).

SECTION 17. Tennessee Code Annotated, Section 49-6-3001, is amended by deleting subsections (a) and (b) and substituting:

(a) The public schools are free to all persons residing within the state who are above five (5) years of age, or who will become five (5) years of age on or before August 15.

(b)

(1) Any child residing within the state who is five (5) years of age, or who will become five (5) years of age on or before August 15, may enter the public school designated by the local board of education having appropriate jurisdiction

at the beginning of the term; provided, that the child enters within thirty (30) days after the opening day of the term.

(2)

(A) Any child who will not become five (5) years of age until after December 31 shall not enter school during that school year; provided, that LEAs having semiannual promotions may admit, at the beginning of any semester, children who will become five (5) years of age within sixty (60) days following the opening of the semester.

(B) Notwithstanding subdivision (b)(2)(A), if the director of schools finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) years of age on or before September 30 is sufficiently mature emotionally and academically, then the child may be permitted to enter kindergarten.

(3) Where a student meets the requirements of the state board of education for transfer or admission purposes, the student may be admitted by a local board of education, notwithstanding any other provision or act to the contrary.

SECTION 18. Tennessee Code Annotated, Section 49-6-3001(c)(2)(B), is amended by deleting the first sentence of the subdivision and substituting:

Is enrolled and making satisfactory progress in a course leading to a GED® or HiSET® from a state-approved institution or organization, or who has obtained a GED® or HiSET®.

SECTION 19. Tennessee Code Annotated, Section 49-6-3001(d), is amended by deleting the subsection.

SECTION 20. Tennessee Code Annotated, Section 49-6-3017(b)(1), is amended by deleting the subdivision and substituting:

(1) Enrolled and making satisfactory progress in a course leading to a GED® or HiSET® from a state-approved institution or organization, or has obtained a GED® or HiSET®;

SECTION 21. Tennessee Code Annotated, Section 49-6-3017(d), is amended by deleting the language "GED®" and substituting "GED®, HiSET®,".

SECTION 22. Tennessee Code Annotated, Section 49-6-3017(f), is amended by deleting the language "GED®" wherever it appears and substituting "GED® or HiSET®".

SECTION 23. Tennessee Code Annotated, Section 49-6-3050(a)(2), is amended by deleting subdivision (B) and substituting:

(B) Parent-teachers who register with an organization, as defined by § 49-50-801, for conducting a home school for students in grades nine through twelve (9-12) must possess at least a high school diploma, GED®, or HiSET®.

SECTION 24. Tennessee Code Annotated, Section 49-6-3050(b)(4), is amended by deleting the subdivision and substituting:

(4) Possession of a high school diploma, GED®, or HiSET® by the parent-teacher;

SECTION 25. Tennessee Code Annotated, Section 49-6-3110, is amended by deleting the section.

SECTION 26. Tennessee Code Annotated, Section 49-6-5002, is amended by deleting subsection (b).

SECTION 27. Tennessee Code Annotated, Section 49-6-6001(g), is amended by deleting the language "general equivalency development credential (GED®)" and substituting "GED® or HiSET®".

SECTION 28. Tennessee Code Annotated, Section 49-6-8103(c)(2), is amended by deleting the language "eighteen (18) credits" and substituting "seventeen (17) credits".

SECTION 29. Tennessee Code Annotated, Section 49-13-110, is amended by deleting subsection (d) and substituting:

(d) The governing body of the public charter school may petition the authorizer to amend the original charter agreement. The state board of education shall determine the timelines for approval and the appeal process until 11:59 p.m. on June 30, 2021. Beginning July 1, 2021, the commission shall determine the timelines for approval and the appeal process. If the authorizer is the state board of education or the commission, then an appeal shall not be made of the state board of education's or the commission's decision to deny a petition to amend the charter agreement. The governing body of a public charter school may petition the authorizer for voluntary termination of the charter agreement before the charter agreement expires.

SECTION 30. Tennessee Code Annotated, Section 4-5-231, is amended by adding the following language as a new subsection:

(c) Subsection (b) does not apply to the state board of education.

SECTION 31. Tennessee Code Annotated, Section 49-1-1002(b)(1), is amended by deleting the language "Section 49-6-1005(a) and the" and substituting "The".

SECTION 32. Tennessee Code Annotated, Section 49-3-318(b)(1), is amended by deleting the language "The system shall consist of three (3) grant programs as follows:" and substituting instead the language "The system consists of the following grant programs:".

SECTION 33. Tennessee Code Annotated, Section 49-7-2109, is amended by deleting subsection (d).

SECTION 34. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subdivision (16) and substituting:

(16) Develop and adopt a uniform grading system to be implemented in all public schools in the state for purposes of calculating the cumulative grade point averages of students who are seeking financial academic assistance provided by the state. The state board may promulgate rules for the administration of this subdivision (a)(16);

SECTION 35. Tennessee Code Annotated, Section 49-1-302(a)(11), is amended by deleting the language "and regulations prepared by the commissioner".

SECTION 36. Tennessee Code Annotated, Section 49-1-302(a)(2), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 37. Tennessee Code Annotated, Section 49-1-302(a)(5)(A), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 38. Tennessee Code Annotated, Section 49-1-302(a)(6), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 39. Tennessee Code Annotated, Section 49-1-302(a)(7), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 40. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subsection (8) and substituting:

(8) Approve all academic standards and adopt rules and policies governing courses of study in the public schools;

SECTION 41. Tennessee Code Annotated, Section 49-1-302(a)(12), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 42. Tennessee Code Annotated, Section 49-1-302(a)(17), is amended by deleting the word "guidelines" and substituting the language "rules, policies, and guidelines".

SECTION 43. Tennessee Code Annotated, Section 49-1-302(d)(2)(A), is amended by deleting the subdivision and substituting:

(A) The committee shall develop and recommend to the board guidelines and criteria for the annual evaluation of all teachers and principals employed by LEAs, including a local level evaluation grievance procedure. This grievance procedure must provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted pursuant to this subdivision (d)(2). Following the development of these guidelines and criteria, the board shall adopt rules and policies. The evaluations must be a factor in employment decisions, including, but not necessarily limited to, promotion, retention, termination, compensation, and the attainment of tenure status; however, this

subdivision (d)(2)(A) does not require an LEA to use student achievement data based on state assessments as the sole factor in employment decisions.

SECTION 44. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 878*

House Bill No. 1210

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Professional Employees' Empowerment Act."

SECTION 2. Tennessee Code Annotated, Section 49-5-608(a), is amended by deleting subdivision (7).

SECTION 3. Tennessee Code Annotated, Section 49-5-608(b), is amended by adding the following language as a new subdivision:

() Payroll deductions for dues or fees for membership in a professional employees' organization.

SECTION 4. Tennessee Code Annotated, Section 49-5-608, is amended by adding the following as a new subsection:

(d)

(1) A professional employees' organization shall:

(A) Notify a professional employee of the following before the professional employee joins the professional employees' organization:

(i) A professional employee has the right to join a professional employees' organization and to pay membership dues or fees to the professional employees' organization; and

(ii) A professional employee has the right not to join a professional employees' organization and not to pay dues or fees



0083166007



005519

required for membership in the professional employees' organization;

(B) Develop a form that a professional employee must execute each year of the professional employee's membership in the professional employees' organization consenting to pay membership dues or fees to the professional employees' organization. The consent form must be approved by the commissioner of education, and must include the professional employee's full name, position, the professional employees' organization of which the employee is a member and to which the professional employee consents to paying membership dues or fees, and the professional employee's signature. The form must also include the following statement printed in a type not less than fourteen (14) point boldface font:

"I am aware that I have a First Amendment right, as recognized by the United States Supreme Court in its decision in *Janus v. AFSCME*, to refrain from paying dues to a professional employees' organization. I further realize that membership and payment of dues are voluntary and that I may not be discriminated against for my refusal to join or financially support a professional employees' organization."

"I agree to pay the amounts specified in accordance with my professional employees' organization's bylaws. I understand that I may terminate my membership in the professional employees' organization and stop paying membership dues or fees to the professional employees' organization at any time.";

(C) Annually obtain each professional employee's consent to collect the membership dues or fees owed by the professional employee

for membership in the professional employees' organization, in accordance with subdivision (d)(1)(B);

(D) Upon receiving an executed form, as described in subdivision (d)(1)(B), from a professional employee consenting to pay membership dues or fees to the professional employees' organization, confirm its receipt of the professional employee's consent form by electronic or written means, and request a response from the professional employee to confirm the professional employee's consent to pay membership dues or fees to the professional employees' organization. Upon receiving the professional employee's confirmation of the professional employee's consent, the professional employees' organization may begin collecting payment of member dues or fees;

(E) Allow a professional employee to immediately resign from the professional employees' organization and prevent the accrual of any additional membership dues or fees. A professional employee must submit a notice of resignation in a written or electronic format to the professional employees' organization. Within thirty (30) days of the professional employees' organization's receipt of a notice of resignation, the professional employees' organization shall stop collecting any membership dues or fees from the professional employee, and no further debt to the professional employees' organization may accrue. A professional employee shall not waive the professional employee's right to immediately resign from the professional employees' organization, or to stop paying membership dues or fees to the professional employees' organization; and

(F) Maintain a written record of all consent forms and confirmations of consent received from professional employees and

provide copies of such documentation upon the request of an LEA or the commissioner of education.

(2) Notwithstanding this part to the contrary, if a local board of education determines that a professional employees' organization is not complying with this subsection (d), then the local board of education shall not participate in collaborative conferencing with the professional employees' organization until the board determines that the organization is complying with subsection (d).

(3) A professional employees' organization that violates subdivision (d)(1)(E) by collecting membership dues or fees from the professional employee more than thirty (30) days after the professional employee has submitted a notification of resignation to the organization is subject to a civil penalty for each violation. A professional employee may bring a civil action against the professional employees' organization for a violation of this subdivision (d)(3) in the chancery court in the county where the claim arose. If a professional employee prevails in an action brought under this subdivision (d)(3), then the professional employee is entitled to treble damages.

SECTION 5. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 6. This act takes effect July 1, 2021, the public welfare requiring it.